

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DANIELLE LYNN MORGAN
and TARA LARAINÉ CLEMENTS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DAVID P. MORGAN II,

Respondent-Appellant.

UNPUBLISHED

April 19, 2006

No. 265806

Cass Circuit Court

Family Division

LC No. 03-000130

Before: Murphy, P.J., and O'Connell and Murray, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the circuit court order terminating his parental rights to the minor child, Danielle Lynn Morgan, under MCL 712A.19b(3)(g) and (h). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence was clear and convincing that respondent-appellant was imprisoned for such a time that Danielle will be deprived of a normal home for more than two years and that he had failed to provide proper care and custody for Danielle during his incarceration. Because respondent will remain in prison until at least the year 2013, there was no reasonable expectation that he would be able to provide proper care and custody within a reasonable time given the age of the child. Therefore, the trial court did not clearly err in terminating respondent-appellant's parental rights to the minor child.

Affirmed.

/s/ William B. Murphy

/s/ Peter D. O'Connell

/s/ Christopher M. Murray